

REMARKS

Claims 1, 7, 12, and 15 have been amended to clarify the claimed invention, and a marked up version of these claims are attached hereto on a separate sheet.

Claims 1, 2, 4, 5, 7, 11-16, 19, and 20 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 5,878,141, issued to Daly et al. Claim 3 stand rejected under 35 USC 103 as being unpatentable over Daly et al. in view of U.S. Patent No. 5,991,601, issued to Anderson et al. Claims 8-10, 17, and 18 stand rejected under 35 USC 103 as being unpatentable over Daly et al. in view of Anderson et al. and U.S. Patent No. 5,949,492, issued Mankovitz et al. Claims 1-20 are pending. Claims 1, 7, 12, and 15 are independent.

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

In response to the above rejection, it is respectfully submitted that the amended claims recite features neither taught nor suggested by Daly et al. alone or in combination with Daly et al and Mankovitz et al. In particular, such features include “...a purchase request buffer for storing at least one purchase request and the item identifier to facilitate a subsequent purchase of an item corresponding to the item identifier”, as recited in Claim 1. Further, a similar feature is also recited in Claim 7, 12, and 15.

Applicants respectfully submit that the specification at page 8, lines 20-21 and page 9, lines 8-15, describes the purchase buffer arrangement, wherein the purchase request buffer stores purchase requests received from the requesting users and transfers them to the content receiver to purchase the requested items.

In addressing the presently recited "purchase request buffer" in the above rejection, the purchasing system 74 (Fig. 4) of Daly et al. is being relied on. Daly et al. teaches a purchasing system having a purchase mediator, which serves to mediate the purchase transaction between the merchant and subscriber and to help determine a mutually agreeable payment method that is accepted by the merchant and one of the subscriber's payment methods (column 11, lines 7-22). Accordingly, although, Daly et al. shows purchasing system 74 it does not store the purchase request and item identifier for a subsequent purchase, as specifically recited in the independent claims.

In view of the above-described distinctions, it is respectfully submitted that the invention of Claims 1-20 are not anticipated nor made obvious by Daly et al. alone or in combination with Anderson et al. and Mankovitz et al. Therefore, it is respectfully requested that the above rejection be reconsidered and withdrawn so that the present application may proceed to issue.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

Tony Piotrowski
Registration No. 42,080

By: 
Steve Ciganite
Attorney for Applicant
Registration No. 42,576

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Mail all correspondence to:
Tony Piotrowski, Registration No. 42,080
US PHILIPS CORPORATION
580 White Plains Road
Tarrytown, NY 10591

Phone: (914) 333-9624
Fax: (914) 332-0615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicholas Mankovich Atty Docket. No.: US000036

Serial No.: 09/498,261 Group Art Unit: 3621

Filed: May 9, 2002 Examiner: Kambiz Abdi

Title: Method and system for purchasing content related materials

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend the claims as follows:

1. (AMENDED) A receiving system comprising:

a content access device that is configured to receive content material and an item identifier associated with the content material from a provider, and

a purchase request processor, operably coupled to the content access device and an input device, that is configured to receive a purchase request from the input device and the item identifier from the content access device, and produces therefrom a processed purchase request, [and]

the input device including a purchase request buffer for storing at least one purchase request and the item identifier to facilitate a subsequent purchase of an item corresponding to the item identifier, and

wherein

the content access device is further configured to communicate the processed purchase request to the provider.

7. (AMENDED) A portable device comprising:

a broadcast receiver that is configured to receive content material and an item identifier associated with the content material from a broadcast source,
a rendering device that is configured to render the content material, and
a purchase request buffer that is configured to store [a] at least one purchase request and the item identifier to facilitate a subsequent purchase of an item corresponding to the item identifier.

12. (AMENDED) A transfer device comprising:

a purchase request buffer that is configured to:
store and receive [a] at least one purchase request for a subsequent purchase from a first device, and
transmit the purchase request to a second device.

15. (AMENDED) A method for facilitating a purchase of an item associated with content material, the process comprising:

receiving the content material and an identifier of the item,

rendering the content material,

receiving a buy command at a time that is coincident with a time interval associated with the rendering of the content material,

creating [a] at least one purchase request that includes the identifier of the item in response to the buy command, [and]

storing the at least one purchase request for subsequent purchase of the item, and

communicating the purchase request to a provider of the item.